

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 5:20-00145-2

RODNEY WHEELER

O R D E R

On the 5th day of January 2021, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant appeared in person and by Lorena Litten, Assistant Federal Public Defender.

The defendant informed the court that he wished to withdraw his plea of NOT GUILTY to the single-count indictment in this action and enter the plea of guilty to the single-count indictment. After the court explained to him the charge contained in the single-count indictment, the defendant withdrew his plea of NOT GUILTY and entered the plea of GUILTY as charged in the single-count indictment.

Before accepting the plea, the court personally addressed the defendant pursuant to Rule 11, Federal Rules of Criminal Procedure, and informed the defendant of the nature of the charges contained in the single-count indictment, the elements of the offense, and the rights to which the defendant is entitled.

The court being satisfied from the admissions of the defendant that a factual basis exists for the plea, and further that the plea was made voluntarily and that the defendant understands the nature of the charge, the elements of the offense, the mandatory minimum penalty, if any, and the maximum possible penalty provided by law for the offense to which the plea is offered, defendant's plea is hereby accepted and the written plea of guilty executed by the defendant in the presence of the court is ORDERED filed.

Accordingly, IT IS ADJUDGED that the defendant, upon his plea of GUILTY, is hereby found guilty and convicted of one violation of Title 18, United States Code, Section 371 as charged in the single-count indictment.

It is ORDERED that the Probation Department of this court shall conduct a presentence investigation of the defendant and disclose the presentence report to the defendant and to counsel by February 22, 2021; counsel shall communicate to the Probation Department by March 8, 2021, any objections to the presentence report; the presentence report, together with an addendum setting forth any unresolved objections, shall be submitted to the court by March 22, 2021; and the defendant shall appear before the court for sentencing at 1:30 p.m. on April 5, 2021.

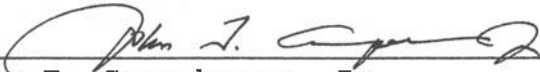
Unless otherwise ordered, the probation officer is directed not to disclose the probation officer's sentencing recommendation except to the court.

It is ORDERED that the government and the defendant may file a sentencing memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) on or before March 29, 2021.

The defendant was released on bond.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 6, 2021



John T. Copenhagen, Jr.
Senior United States District Judge